

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DIANA M. KORITZ, et al.,

Plaintiffs,

vs.

WILLIAM GUST et al.,

Defendants.

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Case No. 4:24-cv-1093-JAR

MEMORANDUM AND ORDER

This matter is before the Court upon review of Plaintiffs Diana M. Koritz and Joseph K Jones' Amended Complaint. ECF No. 6. Because the Amended Complaint fails to state a claim upon which relief can be granted or to articulate a basis for the Court's exercise of subject matter jurisdiction, the Court will order Plaintiffs to show cause why their Amended Complaint should not be dismissed.

The Complaint

Plaintiffs bring this civil rights action against several individuals and governmental entities, including the United States Department of Labor, the Equal Employment Opportunity Commission, and the Americans with Disability Act. On the civil cover sheet submitted with their original complaint, Plaintiffs appear to invoke this Court's federal question jurisdiction. ECF No. 1-3. And on the Civil Complaint form, Plaintiff claims that the following federal statutes, treaties, and constitutional provisions are at issue in this case:

ADA Title II, Olmstead Act,)EX Parte
Communications,Deprivation Of Rights Under Color Of Law
,Section 242 of Title 18. Mathew Shepard and James Bryd Jr
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ECF No. 6 at 3. Additionally, she claims that the following federal officials and agencies are involved:

Office of U.S. Attorney Sayler A. Fleming ,
Office of Professional Responsibility,U.S. Department of
Justice,
US Department of Justice Civil Rights Division,

Id.

Plaintiffs' allegations are difficult to follow, if not unintelligible. As best as the Court can tell, they claim that Ms. Koritz was mistreated in some way for testifying in a Missouri court, and Missouri Courts are altering data on their websites or Plaintiffs' personal devices. Additionally, Plaintiffs list a number of grievances with family members, such as "abuse of a dying parent, communion stuffing it down her throat as she could not swallow!" or "[s]ending an text of John c Jones a picture that looked live. An app that took pictures of data, animated it. Theft of properties ...looking on my computer for documents." ECF No. 6-1 at 6-7.

This lack of clarity is compounded by the way Plaintiffs directly address individual defendants, leaving out important context that would allow the Court to follow her allegations. For example, under the heading Carmody MacDonald PC—another Defendant in this case—they write:

1) Friends from a past . Slanders and Libel? really? I did not forget that night! with you and Judge Gust. You do not know your client? How ridiculous an elite attorney who participated in persecution of two sibling That as an officer of the Court you had an obligation to your client . An obligation to the Court Since when attorneys abuse people, well you know I heard its done all the time! Ryan told me.

2) It reminds me of 1st time you subpoena me? witness Supreme Court how is that don't believe anything you say Witness more like participation an abuse.

Id. at 11.

Discussion

Federal courts are courts of limited, not general, jurisdiction. *Thomas v. Basham*, 931 F.2d 521, 522 (8th Cir. 1991). The existence of jurisdiction is a threshold requirement that must be assured in every federal case. *Kronholm v. Fed. Deposit Ins. Corp.*, 915 F.2d 1171, 1174 (8th Cir. 1990); *see also Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987) (“The threshold requirement in every federal case is jurisdiction and we have admonished the district court to be attentive to a satisfaction of jurisdictional requirements in all cases”). The issue of the existence of jurisdiction may be raised at any time, by any party or the court. *Gray v. City of Valley Park, Mo.*, 567 F.3d 976, 982 (8th Cir. 2009). If this Court determines at any time that it lacks jurisdiction, it must dismiss the action. Fed. R. Civ. P. 12(h)(3).

Federal question jurisdiction gives district courts original jurisdiction of civil actions “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Federal question jurisdiction is proper where a plaintiff asserts “[a] non-frivolous claim of a right or remedy under a federal statute.” *Northwest South Dakota Prod. Credit Ass’n v. Smith*, 784 F.2d 323, 325 (8th Cir. 1986). “If the asserted basis of federal jurisdiction is patently meritless, then dismissal for lack of jurisdiction is appropriate.” *Biscanin v. Merrill Lynch & Co., Inc.*, 407 F.3d 905, 907 (8th Cir. 2005).


The bases for jurisdiction asserted by Plaintiffs are patently meritless. They list several federal statutes, but they do not state claims arising under those statutes in any of their complaints or numerous supplements. While the Court must liberally construe complaints filed by laypeople, even *pro se* complaints must allege facts which, if true, state a claim for relief as a matter of law. *Martin v. Aubuchon*, 623 F.3d 1282, 1286 (8th Cir. 1980). Moreover, despite listing several governmental entities as Defendants, none of their complaints or supplements allege facts relating to these entities.

Therefore, dismissal for lack of jurisdiction is appropriate. Out of an abundance of caution, the Court will order Plaintiffs to show cause why their complaint should not be dismissed pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure. Alternatively, Plaintiffs may file a second amended complaint articulating a non-frivolous claim arising under federal law.

IT IS HEREBY ORDERED that no later than **October 17, 2024**, Plaintiffs shall either:

- (1) Show cause why their amended complaint should not be dismissed for lack of subject matter jurisdiction, or
- (2) File an amended complaint stating a non-frivolous claim over which this Court has subject matter jurisdiction.

Dated this 18th day of September 2024.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE